

Serial No. 09/911,585
Atty. Doc. No. 2000P14892US

REMARKS

Applicants have amended claim 18 and added new claims 35-38. Thus, claims 18-38 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to double patenting rejection:

The Examiner rejected claim 19 under the judicially created doctrine of obviousness-type double patenting. The Examiner indicated that although the subject matter of this claim is not identical to claim 33 of U.S. application Serial No. 09/911,586, the pending claim is not patentably distinct from this claim.

While Applicants do not acquiesce to the grounds of the rejection, Applicants submit the accompanying Terminal Disclaimer in accordance with 37 C.F.R. §§ 1.321(b) and 3.73(b) in order to promptly resolve this issue.

Response to rejections under Section 103:

Independent claim 18 is rejected under 35 USC 103(a), the Examiner contending this claim is obvious over Weinhofer (USPN 6,442,442) in view of Zhang et al. (USPN 6,282,699).

Applicants have amended claim 18 to recite the additional limitation: providing the corresponding graphical elements as an expanded library of the graphical elements of the graphical editor (see specification paragraphs [0009], [0010] and [0028] among other places).

Providing such an expanded library allows the flowchart editor to be supplied to customers in an adaptable standard version or basic version. It also allows the set of graphical elements of the standard or basic version to be expanded by converting textual subprograms into additional graphical elements of the graphical editor. Thus, an adapted and expanded library of icons is made available to the end user for flowchart programming, which yields the possibility of technological scaling for his respective applications with respect to the available library of graphical elements.

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The cited references, alone or in combination, do not teach or suggest that textual subprograms converted in graphical elements are used as an expansion of the set of existing graphical elements of a graphical editor.

Dependent claims 19-34 are also patentable at least based on their dependency from independent claim 18, as well as based on their own merit.

Therefore, Applicants respectfully request that the Examiner withdraw the section 103 rejection.

New dependent claims 35 and 36:

New dependent claim 35 recites that the text subprograms are provided by third parties and the conversion to graphical elements is performed automatically (see specification paragraphs [0009] and [0010]).

New dependent claim 35 recites that the conversion (of textual subprograms in graphical elements) is performed by a compiler (see specification paragraph [0052]).

Therefore the new dependent claims 35 and 36 are patentable at least based on their dependency from independent claim 18, as well as based on their own merit.

New independent claim 37:

In the Office Action, the Examiner indicated that claim 25 contained patentable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New independent claim 37 includes the limitations of formerly presented claims 24 and 25.

In the view of the above, Applicants respectfully submit that new independent claim 37 is in condition for allowance and request allowance for new independent claim 37.

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New independent claim 38:

New dependent claim 38 recites that generated graphical elements are adapted to expand the library of the flowchart editor with corresponding icons.


In the view of the above, new independent claim 38 is patentable. Therefore Applicants respectfully request the allowance of new independent claim 38.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d) for total independent claims in excess of 3, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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